

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Continuation of Vandepopuliere *et al.*

Serial No.: To Be Assigned

Filed: Concurrently Herewith

For: METHOD OF CONTROLLING SALMONELLA IN SHELL EGGS

August 6, 2001

BOX PATENT APPLICATION

Commissioner for Patents

Washington, DC 20231

**PRELIMINARY AMENDMENT**

Sir:

Please enter the following amendments prior to examination of the above-referenced application.

**In the Specification:**

Please insert the following paragraph on page 1 following the title.

**--RELATED APPLICATIONS**

The present application is a continuation of co-pending United States Patent Application Serial No. 09/372,512, filed August 11, 1999 (now allowed), which is a continuation of United States Application Serial No. 08/769,579, filed on December 19, 1996, now issued as U.S. Patent No. 6,004,603, which is a continuation of United States Application Serial No. 08/178,734, filed January 7, 1994, which is now abandoned, the disclosures of which are incorporated by reference herein in their entirety.--

**In the Claims:**

Please cancel Claims 1-23, which were prosecuted in the parent applications.

Please add the following new claims:

24. A thermally treated shell egg wherein said shell egg received a thermal treatment sufficient to cause at least about a 5D reduction in *Salmonella enteritidis* in the albumen and in the yolk of said shell egg but insufficient to cause more than insignificant coagulation of the albumen and the yolk of said shell egg.

25. The thermally treated shell egg of Claim 24, wherein said shell egg received a thermal treatment sufficient to cause at least about a 7D reduction in *Salmonella enteritidis* in said albumen.

26. The thermally treated shell egg of Claim 24, wherein said shell egg received a thermal treatment sufficient to cause at least about a 9D reduction in *Salmonella enteritidis* in said albumen.

27. The thermally treated shell egg of Claim 24, wherein said shell egg is a chicken shell egg.

28. The thermally treated shell egg of Claim 24, wherein said shell egg has a refrigerated shelf life of at least about 12 weeks.

29. A thermally treated shell egg wherein said shell egg received a thermal treatment sufficient to cause at least about a 5D reduction in *Salmonella enteritidis* in the albumen and in the yolk of said shell egg but insufficient to cause more than insignificant coagulation of the albumen and the yolk of said shell egg, wherein said shell egg has an essentially natural proportion of indigenous gases therein.

30. A thermally treated shell egg wherein said shell egg received a thermal treatment sufficient to cause at least about a 5D reduction in *Salmonella enteritidis* in the albumen and in the yolk of said shell egg but insufficient to cause more than

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insignificant coagulation of the albumen and the yolk of said shell egg, wherein said thermal treatment was applied under atmospheric pressure.

### REMARKS

Claims 24-30 are pending in this application following entry of the foregoing amendments to the claims. Applicants submit that the amendments set forth above present no new matter and respectfully request entry thereof.

Applicants further submit that this application is in condition for substantive examination, which action is respectfully requested.

Respectfully submitted,



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20792

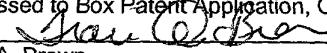
PATENT TRADEMARK OFFICE

### CERTIFICATE OF EXPRESS MAILING

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Date of Deposit: August 6, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, Commissioner For Patents, Washington, DC 20231.

  
Traci A. Brown

Date of Signature: August 6, 2001